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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x 08 Civ. 4273(CLB)(GAY)

ARAZ ALALI,

Plaintiff,

-against-

**AMENDED
ANSWER**

CITY OF NEW ROCHELLE, New York,

Defendants.
-----x

The defendant City of New Rochelle (the "City") by its attorneys Wilson, Elser, Moskowitz, Edelman & Dicker LLP, for its answer to plaintiff's complaint, states as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 1 of the complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 2 of the complaint, except admits plaintiff has prior pending actions against the City, respectfully refers all questions of law to the Court and alleges that the discovery cut-off date concerning *Alali v. City of New Rochelle*, 07 Civ. 9912 (CLB) has been extended.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 3 of the complaint.

4. Denies the truth of the allegations contained in ¶ 4 of the complaint, except admits that the City is a municipal corporation existing pursuant to the laws of the state of New York.

5. Denies the truth of the allegations contained in ¶ 5 of the complaint, except admits that all charges preferred against plaintiff were sustained by an independent hearing officer and that the City accepted the hearing officer's recommendation of a 30-day suspension.

6. Denies the truth of the allegations contained in each and every subdivision of ¶ 6 of the complaint.

7. Denies the truth of the allegations contained in ¶ 7 of the complaint.

8. Denies the truth of the allegations contained in ¶ 8 of the complaint.

9. Denies the truth of the allegations contained in ¶ 9 of the complaint.

10. Repeats and realleges each and every response above.

11. Denies the truth of the allegations contained in ¶ 11 of the complaint.

12. Repeats and realleges each and every response above.

13. Denies the truth of the allegations contained in ¶ 13 of the complaint.

14. Repeats and realleges each every response above.

15. Denies the truth of the allegations contained in ¶ 15 of the complaint.

**AS AND FOR A FIRST
AFFIRMATIVE DEFENSE**

16. Plaintiff's claims are barred because he failed to exhaust his administrative remedies.

**AS AND FOR A SECOND
AFFIRMATIVE DEFENSE**

17. Plaintiff has two prior pending actions relating to the same claims that are asserted in this complaint.

**AS AND FOR A THIRD
AFFIRMATIVE DEFENSE**

18. Plaintiff fails to allege a claim for which this Court can grant relief.

**AS AND FOR A FOURTH
AFFIRMATIVE DEFENSE**

19. Plaintiff's claims are time-barred.

WHEREFORE, the City respectfully prays that the complaint be dismissed and that costs, disbursements and counsel fees be awarded to the City.

Dated: White Plains, New York
May 29, 2008

WILSON, ELSER, MOSKOWITZ
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City of New Rochelle

By: 

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